



# Garner Police Department

## Bias-Based Patterns Annual Review for 2013



### Introduction

The purpose of this document is to provide an overview of the Garner Police Department's commitment to bias-free policing and to outline our individual and collective performance in this area. As required by policy, and CALEA standards, this memo will serve as the annual review of bias-free policing by the Garner Police Department for calendar year 2013.

Garner Police Department policy 820.09, Bias-Free Policing, establishes our commitment to ensuring fair and equitable treatment of all persons. The policy states, *"The Garner Police Department is committed to preserving the peace and maintaining order in our community by practicing bias-free policing and respecting the rights and dignity of all. No member of this department shall engage in bias-based profiling in any arrests, asset seizure / forfeiture efforts, field contacts or traffic stops."*

The Garner Police Department has the following core values, which support our efforts in bias-free policing:

- Commitment – We have a selfless determination and relentless dedication to the public, our partners, and to each other. We will strive to continually improve our community and our agency.
- Integrity – We are committed to the highest standards of honesty and ethical conduct, which are the cornerstones of our profession.
- Professionalism – We accept responsibility for our actions. We are accountable to ourselves and those we serve. We will communicate honestly and consistently strive for excellence.

These values guide our actions on a daily basis. Officers who are professional, honest, and ethical do not engage in bias based policing. The Garner Police Department is committed to ensuring that all members of our community are treated fairly, in accordance with the law, and without bias.

The Garner Police Department subscribes to the Law Enforcement Oath of Honor, which reads:

On my honor,  
I will never betray my badge,  
my integrity, my character,  
or the public trust.  
I will always have the courage  
to hold myself and others  
accountable for our actions.  
I will always uphold the constitution,  
my community,  
and the agency I serve.

This Oath of Honor our officers take emphasizes that our officers serve with integrity and uphold the Constitution. This Oath of Honor is posted in our buildings and our officers recite it a special events throughout the year to remind them of its importance in guiding our actions.

## Analysis

There are several areas to consider when evaluating bias-free policing by a professional law enforcement agency. These include, but are not necessarily limited to, enforcement actions, (including traffic stops and vehicle searches), complaints from citizens, and training provided to officers.

### Traffic Stop Data

United States Census Bureau (USCB) Population Data often serves as a baseline of comparison between law enforcement and citizen contact data and can often identify evidence of bias in traffic enforcement. Census population data includes all residents of the community sorted by race and ethnicity providing a number that can be used as a measuring standard for comparison in traffic enforcement. However, this data includes all ages of a population regardless of whether they are, or are not, among the driving population and does not provide data for comparing contacts with non-residents. This is noteworthy because the Town of Garner serves as a primary route into and around the City of Raleigh. We have two main highways and another thoroughfare that are heavily traveled and increases the vehicle traffic well above our population. The North Carolina Department of Transportation (NCDOT) traffic counts show average annual daily traffic (AADT) counts for 2011 (the most current data available) on the following roads:

- US 70/401 merge north of Mechanical Blvd. 56,000
- US 70 near I-40 30,000
- Garner Road at the western edge of the city limits 12,000

The total daily traffic count for these roads in 2011 is 98,000, which is just shy of four times the Town's population. Given the volume of traffic, and because there is no current count of the race of drivers as they travel through Garner, the racial composition of the daily driving population may be different from the racial composition of the Town's population. The differences between the racial composition of non-resident drivers and the Town's population will also cause the driving population to be racially different from the Town's population, thus potentially skewing traffic stop data. These differences are likely to occur independently of any action taken by the officers of the Garner Police Department and cannot be the result of bias-based profiling. The unknown composition of drivers is a factor to be considered in any use of race-based census data for the Town of Garner in evaluating traffic stops by officers of the Garner Police Department.

The most straightforward approach to evaluating traffic stop data is to compare the percentage of residents by race in the Town of Garner with the percentage of traffic stops by race of the driver. The USCB reported that the estimated population of the Town of Garner in 2013 was 26,772, which is small when compared to the population of the State of North Carolina at 9,535,483. Caution should be exercised in interpreting percentage data because of statistical distortions caused by small numbers in some categories. For example; if only 1 person in the "Other" race category is stopped and subsequently searched, that data would reflect that 100% of "Other" races stopped were searched when it was only one person. If 100 citizens in the "White" race category were stopped and 50 were subsequently searched, that data would reflect that 50% of citizens in the "White" race category were searched when it was only 50 people out of a much larger population.

The following traffic contact data was collected from January 1 – December 31, 2012 and January 1 – December 31, 2013. It summarizes the number of motor vehicle stops conducted by the Garner Police Department based on Race/Ethnicity of the driver.

	<b>2012 Traffic Contacts</b>		<b>2013 Traffic Contacts</b>		<b>2010 US Census Bureau Data</b>	
<b>Race</b>	Number	% of Total	Number	% of Total	Number	% of Total
White	4,519	59.9%	3,864	60.0%	14,880	57.8%
African American	2,883	38.2%	2,448	38.0%	8,470	32.9%
Other	140	1.9%	122	2.0%	2,394	9.3%
<b>Total</b>	<b>7,542</b>	<b>100.0%</b>	<b>6,434</b>	<b>100.0%</b>	<b>25,744</b>	<b>100.0%</b>

*\*\* Note: Race/ethnicity categories reflect the race/ethnicity of the individual stopped, as determined by the officer at the time of the stop, to the best of their ability. In making this determination, officers may rely on the Identification Card issued to the individual by the North Carolina Department of Motor Vehicles\*\**

From 2012 to 2013, there was a 14.7% decrease in overall traffic contacts made by the Garner Police Department. The Garner Police Department began using a new report management system (records program) on January 1, 2013. This new system required officers to complete additional steps to close out traffic stops on their computers, which made traffic stops more time consuming than in years past. This additional time contributed to the decrease in traffic stops for 2013. The department has since addressed this issue and taken steps to ensure traffic stops can be efficiently completed and we anticipate the traffic stop numbers to increase in 2014.

When we compare 2012 and 2013 traffic contacts, this decrease is reflected across all race/ethnic categories during this time period as evidenced by the percentages of drivers stopped. If we examine the rate of vehicles stopped by race, per 1,000 citizens, we find that approximately 55 more drivers in the "White" race category were stopped than drivers in the "African American" race category. We also find that 145 more drivers in the "White" race category were stopped than drivers in the "Other" race category.

The "Disparity Index"(proportion of stops / proportion of population) measures the likelihood drivers of a given race or ethnic group are stopped based on their proportion of the residential population. Values greater than 1 indicate over-representation and values less than 1 indicate under-representation in traffic stops. The disparity index of "White" drivers stopped in 2013 was 1.03 while the disparity index was 1.15 for "African American" drivers. The disparity index of "Other" drivers was .21.

When we examine the action taken during the reported 6,434 traffic stops in 2013, the data shows that only 19.9% of drivers in the "White" category were given verbal warnings or no action was taken against them. In the "African American" driver category, 21.0% of drivers were given verbal warnings or no action was taken against them. When we look at traffic contacts where citations were issued, we find that 53.6% of "White" drivers and only 48.8% of "African American" drivers stopped are given citations.

2013 Traffic Contacts				
Action Taken	White	African American	Other	Total by Action
Citation Issued	2,073	1,196	88	3,357
No Action Taken	19	26	0	45
On-View Arrest	36	22	1	59
Verbal Warning	674	489	10	1,173
Written Warning	1,062	715	23	1,800
<b>Total</b>	<b>3,864</b>	<b>2,448</b>	<b>122</b>	<b>6,434</b>

In reviewing traffic stop data from 2013, the data does not indicate any bias with respect to gender or ethnicity in our agency

Ethnicity/Gender	Total Number	Percent Stopped	Census Data
<b>Non-Hispanic</b>	5,796	90%	95%
<b>Hispanic</b>	638	10%	5%
<b>Male</b>	3,568	55%	48%
<b>Female</b>	2,866	45%	52%

Ethnicity/Gender	Charged	Percentage Charged	Not Charged	Percentage Not Charged
<b>Non-Hispanic</b>	2,981	51%	2,815	49%
<b>Hispanic</b>	435	68%	203	32%
<b>Male</b>	1,902	53%	1,666	47%
<b>Female</b>	1,514	53%	1,352	47%

In Garner, males and Hispanics are stopped at slightly higher percentages than the census data, but gender and ethnicity traffic counts for drivers have not been established by NCDOT. Hispanic drivers are cited at a higher percentage than non-Hispanic drivers. As shown in the below charts, less than 4% of traffic contacts are initiated at checkpoints in non-Hispanic drivers, where 15% of our initial contact with Hispanic drivers are at checkpoints. This statistic is important because officers do not select the drivers who come through checkpoints and have no ability to determine the race, gender, or ethnicity of the drivers. Our checkpoints are held in random locations and pre-selected locations based on the potential for enforcement. We prohibit checkpoints from being held in the same location repeatedly. Each checkpoint location is approved by a supervisor. When comparing similarly sized communities in Wake County, each police department has similar statistics in that Hispanic drivers are stopped at checkpoints at a higher percentage than non-Hispanic drivers.

Ethnicity	Checkpoint	Other	Total	Checkpoint Percentage
Hispanic	98	540	638	15%
Non-Hispanic	205	5591	5796	4

Also of note in the below statistics are the percentages of NOL (no operator's license) in comparing Hispanic vs. non-Hispanic drivers. Based on a query of eCitation data, Hispanic drivers were written for NOL for a total of 36% of the citations in 2013 vs. non-Hispanic drivers who were written for NOL in only 4% of the total citations. By far NOL was the most charged offense to Hispanics. Non-Hispanic drivers were written speeding tickets as the most charged offense, with NOL a very small percentage. Officers generally do not write warning tickets for NOL. The large number of Hispanic NOL charges and the number of Hispanic drivers at checkpoints accounts for the variance in the percentage of Hispanics charged compared to non-Hispanics.

Ethnicity	NOL	Total Citations	NOL Percentage
Hispanic	154	429	36%
Non-Hispanic	320	7566	4%

*Note: Checkpoint statistics were gathered from the NC Department of Justice (SBI) website and citation totals were gathered from E-Citation.*

## Vehicle Searches

Out of the 6,434 traffic stops conducted in 2013, only 129 (or 2%) of those stops resulted in a vehicle search being conducted and 185 individuals being searched.

	2013 Traffic Contacts		2013 Searches by Occupant from Contacts	
	Number	% of Total	Number	% of Total
White	3,864	60.0%	79	42.7%
African American	2,448	38.0%	86	46.4%
Other	122	2.0%	2	1.1%
Total	6,434	100.0%	185	100.00%

It is important to note in this analysis that the vast majority of traffic stops are initiated by driver and vehicle action and not because of the race or ethnicity of the driver or occupants, although this can occur. When police are given broadcasts or suspect descriptions that include the race of the suspects it is inevitable that those races will be stopped and possibly searched. Because the State does not include a way to collect or analyze this information we cannot determine how often this occurs and how it may skew the data.

It is also important to note that 37% of all searches conducted were done so after consent was given to an officer by the vehicle's occupants. Other searches include probable cause without permission, protective frisks for officer safety, searches incident to arrest, and search warrant searches.

Type of Search	Erratic or Suspicious Behavior	Observation of Suspected Contraband	Other Official Information	Suspicious Movement	Informant's Tip	Witness Observation	Total Searches
Consent	21	9	3	15	3	1	52
Probable Cause	5	39	0	4	2	0	50
Protective Frisk	0	0	0	3	0	0	3
Search Incident to Arrest	20	2	0	14	1	0	37
Search Warrant	0	0	0	0	0	0	0
Total	46	50	3	36	6	1	142

**Note:** The above data is from the NC Department of Justice website.

## Asset Forfeiture

The Garner Police Department seized one vehicle in 2013 and no other large assets. The vehicle seized was a pick-up truck, which was seized pursuant to a traffic stop resulting in numerous felony drug charges. One vehicle was seized in 2012 also. This seizure was based on the serious felony drug charges which included maintaining a vehicle for the sale and delivery of marijuana.

## Citizen Complaints

In 2013 the Garner Police Department received zero complaints about biased-based policing.

## CALEA Accreditation Standards

The Garner Police Department is currently accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and has held this accreditation since 1994. CALEA Law Enforcement Standard 1.2.9 addresses "Bias Based Profiling" and sets forth specific criteria that an accredited law enforcement agency must meet in order to maintain accreditation.

Standard 1.2.9 requires that, "The agency has a written directive governing bias based profiling and, at a minimum, includes the following provisions:

- a prohibition against bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts;
- training agency enforcement personnel in bias based profiling issues including legal aspects;
- corrective measures if bias based profiling occurs; and
- a documented annual administrative review of agency practices including citizen concerns.

CALEA also offers the following commentary related to this standard for law enforcement agencies:

*“Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups. Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.*

*Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.”*

The Garner Police Department continues to meet and exceed the requirements set forth in this regard and collects proofs that are provided to CALEA as part of our ongoing accreditation process.

## **In-Car Camera Systems**

The Garner Police Department utilizes Mobile Video Recorder (MVR) systems, more commonly known as “in-car cameras.” This is audio/video recording equipment designed for fixed installation within a police vehicle. The use of in-car camera systems provides for accountability and consistent review of officer performance and allows supervisors to assess training needs and accurately investigate any complaints received. We currently equip all of our primary enforcement vehicles, including our Patrol Division and Traffic Safety Officers, with in-car camera systems.

This equipment is a valuable tool, not only in the prosecution of traffic violations and criminal offenses, but in the evaluation of officer tactics and performance and for training and complaint review purposes. Garner police officers record all citizen interactions, including traffic stops, calls for service, and incident calls. Officers are required to record any call with contact with a complainant if the officer is close to his vehicle and can record the interaction. Garner officers began evaluating body cameras in 2013, but we have not yet implemented them. We will continue to evaluate body camera systems in 2014.

Garner Police Policy 430.02, Use of Recording Devices, states: *Personnel, who supervise officers utilizing MVR equipment, or other recording devices, are responsible for conducting reviews of recorded media to assess officer performance, determine whether recording devices are being fully and properly used, and to identify material that may be of value for training purposes.* This review allows us another means of identifying bias in the action of our officers. The collective reviews conducted in 2013 did not identify any instances of biased-based policing by our personnel.

## Officer Training

The Garner Police Department follows the requirements of the North Carolina Criminal Justice Training and Standards Commission in providing training to all sworn personnel regarding bias-free policing. We provide “Juvenile and Minority Sensitivity Training” on an annual basis and our supervisors routinely provide informal guidance to our officers related to taking enforcement and other action based on individualized behaviors and criminal violations rather than race.

## Summary

The Garner Police Department is committed to practicing bias-free policing and respecting the rights and dignity of all persons we interact with. This report summarizes data collected from the Garner Police Department’s Records Management System, the records of the North Carolina State Bureau of Investigation, the United States Census Bureau, and the North Carolina Department of Transportation.

Through the course of this review, it was learned that “White” drivers are stopped at a higher rate than “African American” and “Other” race drivers; however, the “higher” rate is not representative of a statistically significant difference in the context of evaluating bias. White occupants and African American occupants are searched at similar rates. White occupants constitute 42.7% of the total searches and African American occupants constitute 46.4% of the total searches. These numbers do not support any bias in searches of occupants.

Based on this thorough administrative review of traffic stop and complaint data, training received by our officers, and the philosophy of the Department, there is no evidence of any form of bias based profiling by the members of the Garner Police Department in the performance of their duties.

Any questions regarding this report should be directed to Lieutenant Chris Clayton, Professional Standards Unit Commander for the Garner Police Department, at (919) 772-8810 or [cclayton@garnernc.gov](mailto:cclayton@garnernc.gov).

